



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20001

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Emma Best
MuckRock News
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Re: Appeal No. DOJ-AP-2019-006575
Request No. EOUSA-2019-003016
MWH:RCS

VIA: U.S. Mail

Dear Emma Best:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your Freedom of Information Act request for access to records concerning WikiLeaks. I note that your appeal EOUSA's response dated July 23, 2019, informing you that you must provide a notarized example of your signature or certification of identity; identify the specific United States Attorney's office(s) where you believe records may be located; provide the subject's full name, current address, and date and place of birth; and reasonably describe the records sought.

After carefully considering your appeal, I am affirming, on partly modified grounds, EOUSA's action on your request. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. § 16.3(b)(2018). EOUSA informed you that your request for records related to WikiLeaks would require EOUSA to conduct an unreasonably burdensome search. I have determined that EOUSA's response was correct. Your request is not reasonably described because you did not characterize the records sought in such a way that they could be located without searching all files in over 90 offices. Courts have consistently held that the FOIA does not require agencies to conduct "unreasonably burdensome" searches for records. See, e.g., Nation Magazine v. U.S. Customs Serv., 71 F.3d 885, 892 (D.C. Cir. 1995). This Office would suggest making a more specific request providing more details such as specific offices to be searched in addition to identifying any particular subtopics of interest concerning WikiLeaks.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of EOUSA in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/13/2019

X 

Matthew Hurd, Associate Chief, for
Sean O'Neill, Chief, Administrative Appeals Staff
Signed by: MATTHEW HURD